THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :19642 OF 2007

DATED:14-09-2007

BETWEEN:

T.Vinay Kumar.

..... PETITIONER

AND

The Collector/Revenue Divisional Officer,
Secunderabad Division,
Hyderabad & another.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the proceedings No.D/342/2007 on the file of the 2nd respondent-Tahsildar, Marredpally mandal, Hyderabad, dated 30-08-2007, and ordering eviction of the petitioner within 48 hours, illegal and arbitrary.

3. It is stated that an order has been passed against the petitioner under the provisions of the A.P.Land Encroachment Act, 1905 (for brevity, 'the Act') by the Mandal Revenue Officer, Marredpally mandal in proceedings No.B/342/2007, dated 30-08-2007, directing the petitioner to vacate the land of an extent of 268 sq.mts in Ts.No.8, Block-B Ward No.124, Marredpally Mandal, Hyderabad in which a bamboo shop is situated bearing H.No.12-8-403, Mettuguda. Thereafter, the Mandal Revenue Officer issued notice, dated –09-2007, giving two days time to vacate the said land. It is further stated that as against the said order petitioner filed an appeal under Section 10 of the Act before the 1st respondent-Revenue Divisional Officer, Secunderabad on 12-09-2007, and also a stay application.

4. Having regard to the facts and circumstances and as a

statutory appeal is said to have been filed and pending before the 1st respondent-Revenue Divisional Officer, Secunderabad, the 1st respondent is directed to consider and dispose of the appeal in accordance with law and pending disposal of the appeal, the petitioner shall not be dispossessed.

5. Accordingly, Writ Petition is disposed of as indicated above. There shall be no order as to costs.

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V.ESWARAIAH,J

14th September, 2007.

Note:

Issue operative portion of the order by wire at party's costs.

B/o

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